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Attorneys for Defendant
F5 NETWORKS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IMPLICIT NETWORKS, INC.,

Plaintiff,

v.

F5 NETWORKS, INC.

Defendant.

Case No. 3:10-cv-03365-SI

**STIPULATION AND ~~[PROPOSED]~~
ORDER FOR LEAVE TO FILE FIRST
AMENDED ANSWER AND
COUNTERCOMPLAINT TO FIRST
AMENDED COMPLAINT**

1 Defendant F5 Networks, Inc. ("F5") and Plaintiff Implicit Networks, Inc. ("Implicit"), hereby
2 stipulate through their respective counsel of record as follows:

3 WHEREAS, F5 and Implicit agreed and stipulated to Implicit's filing of Implicit's First
4 Amended Complaint [DN 29], and the Court subsequently granted Implicit leave to file its First
5 Amended Complaint on December 20, 2010 [DN 30];

6 WHEREAS, F5 filed its Answer to the Amended Complaint and Counter-Complaint on
7 January 14, 2011 [DN 36];

8 WHEREAS, Implicit filed its Answer to F5's Counter-Complaint on February 18, 2011 [DN
9 45];

10 WHEREAS, F5 has drafted a First Amended Answer and Counter-Complaint to Implicit's
11 First Amended Complaint which removes references to attorney Maurice J. Pirio and the law firm of
12 Perkins Coie LLP, attorney Michael Donohue and the law firm of Davis Wright Tremaine LLP, and
13 attorney Vernon Gard and the law firm of Gard & Kaslow LLP in F5's affirmative defenses and
14 counterclaims concerning inequitable conduct;

15 WHEREAS, F5 and Implicit have agreed and stipulated to F5's filing of its First Amended
16 Answer and Counter-Complaint without prejudice to F5 seeking leave to amend its Answer as
17 discovery progresses to include references to Maurice J. Pirio, Perkins Coie LLP, Michael Donohue,
18 Davis Wright Tremaine LLP, Vernon Gard, and/or the law firm of Gard & Kaslow LLP based on
19 facts revealed during discovery; and

20 WHEREAS, no trial date has yet been set in this action.

21 WHEREFORE IT IS HEREBY STIPULATED BY THE PARTIES HERETO that F5 may
22 have leave to file its First Amended Answer and Counter-Complaint, attached hereto as Exhibit 1,
23 without prejudice to F5 seeking leave to amend its answer in the future to include references to
24 Maurice J. Pirio, Perkins Coie LLP, Michael Donohue, Davis Wright Tremaine LLP, Vernon Gard,
25 and/or the law firm of Gard & Kaslow LLP based on facts revealed during discovery. F5 and
26 Implicit, through their respective counsel of record, have agreed to this filing.
27
28

1 IT IS SO STIPULATED.

2 Dated: April 15, 2011

K&L GATES LLP

3
4 By: /s/ Shane Brun
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12 Attorneys for Defendant
F5 NETWORKS, INC.

13 Dated: April 15, 2011


14 By: /s/ Spencer Hosie
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21 Attorneys for Plaintiff
22 IMPLICIT NETWORKS, INC.

PURSUANT TO STIPULATION IT IS ORDERED THAT

Leave to file F5's First Amended Answer and Counter-Complaint is GRANTED.

Dated: 4/15/11



Honorable Susan Illston
U.S. DISTRICT COURT JUDGE